



IPW

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Takuya TSUKAGOSHI et al.

Group Art Unit: 2873

Application No.: 10/562,929

Examiner: J. GOLDBERG

Filed: December 30, 2005

Docket No.: 126458

For: SPATIAL LIGHT MODULATOR

RESPONSE TO ELECTION OF SPECIES REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In reply to the January 14, 2008 Election of Species Requirement, Applicants provisionally elect Group I, claims 1 and 5, with traverse.

I. Lack of Unity of Invention Has Not Been Demonstrated

Applicants respectfully assert that the Requirement is improper under the rules of practice in PCT national phase applications, because the appropriate unity of invention standards have not been properly applied by the Patent Office. In PCT national phase applications, the Examiner may issue a restriction-type Requirement if no unity of invention exists. However, the Examiner must state why there is no "single general inventive concept." See MPEP §1893.03(d). Therefore, a single application may include one invention, or more than one invention if the inventions are "linked as to form a single general inventive concept." Id. (emphasis added). If multiple inventions are included in the application, they are deemed to be linked if there exists a "technical relationship among the inventions that involves at least one common or corresponding special technical feature." Id.